

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Chazmar Spivey,

Civil No. 11-1907 (RHK/JJG)

Petitioner,

**ORDER ON REPORT
AND RECOMMENDATION**

v.

United States of America,

Respondent.

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein, **IT IS ORDERED:**

1. The Report and Recommendation (Doc. No. 18) is **ADOPTED**;
2. Defendant's Amended Motion to Dismiss (Doc. No. 11) is **GRANTED**; and
3. The Complaint (Doc. No. 1) is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 15, 2012

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge